

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

DEREK JAMES, Register No. 182777,)
Plaintiff,)
v.) No. 07-4144-CV-C-NKL
LARRY CRAWFORD, et al.,)
Defendants.)

ORDER

On August 30, 2007, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on September 14, 2007. After consideration, the court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted. Plaintiff has not alleged facts indicating he faces an imminent danger of serious physical injury. Plaintiff's complaint asserts his rights have been violated because he has been housed in administrative segregation units after being classified for housing in general population. He asserts he is placed in units with violent offenders and denied privileges which he is entitled to receive because of his general population classification.

An overview of the complaint and exceptions indicates plaintiff is unhappy with his housing assignment and wants additional privileges, but he does not allege facts indicating he is actually and immediately fearful for his life, is being housed with known enemies who are likely to do him harm, or is otherwise in immediate danger of serious physical harm.

The Magistrate Judge recommended that plaintiff be denied leave to proceed in forma pauperis and his complaint be dismissed under the three-strikes provision of 28 U.S.C. § 1915(g). Plaintiff's allegations do not fall within the exception. Thus, a review of the record

convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of August 30, 2007, is adopted. [6] It is further

ORDERED that plaintiff is denied leave to proceed in forma pauperis and his claims are dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(g).

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: October 3, 2007
Jefferson City, Missouri